

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF: THE CITY OF MONONA NPDES Permit #2264001 Clayton County, Iowa	ADMINISTRATIVE CONSENT ORDER NO. 2015-WW- 04
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TO: Honorable Mayor
City of Monona
P.O. Box 298
Monona, IA 52159

I. SUMMARY

This administrative consent order (Order) is entered into between the City of Monona (City) and the Iowa Department of Natural Resources (Department) for the purpose of establishing a schedule for necessary upgrades to the wastewater treatment facility (WWTF) and to achieve compliance with applicable requirements and to eliminate the discharge of untreated wastewater.

Any questions regarding this Order should be directed to:

Relating to technical requirements:
Sue Miller, Environmental Specialist Sr.

DNR Field Office #1
990 W Main St Ste 4
Manchester, Iowa 52057
Phone: 563-927-2640

Relating to legal requirements:
Carrie Schoenebaum, Attorney for the
DNR
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, Iowa 50319
Phone: 515-725-8244

II. JURISDICTION

This Order is issued pursuant to the provisions of Iowa Code section 455B.175(1), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code Chapter 455B, Division III, Part 1 (wastewater) and the rules adopted or permits issued pursuant to that part, and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) Chapter 10, which authorize the Director to assess administrative penalties.

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III. STATEMENT OF FACTS

The Department and the City agree to the following statement of facts:

1. The City owns and operates a WWTF located in Section 14 T95N, R5W, Monona Township, Clayton County, Iowa. The WWTF was constructed in 1985 pursuant to construct permit No. 84-204-S and currently operates under NPDES Permit No. 2264001. It serves approximately 1,549 households. Wastewater is collected by gravity at three lift stations which serve the north, southeast and southwest section of the City. From the lift stations the wastewater is pumped via force main to the wastewater plant which is located southwest of the City. The influent flow enters the treatment plant and passes through the following units: mechanacal bar screen, aerated grit chamber, raw wastewater pump station, two aeration basins, and two final clarifiers. Sludge is pumped to two aerobic sludge digesters. Effluent is treated with chlorine gas in the final contact basin before discharge. The effluent is dechlorinated with sulfur dioxide gas. Excess influent flow is pumped to the flow equalization system which consists of two aerated lagoons (EQ basins). The wastewater is directed back by gravity to the headworks when excessive influent flows subside. Ultimately wastewater is discharged to an unnamed tributary to Silver Creek which is a tributary to Roberts Creek.
2. On March 11, 2010, the City reported a bypass to the Department. The bypass was due to excess water coming into its system via snow melt and rain. The City reported that the incident began on March 10, 2010 and continued until March 14, 2010. It occurred at the north and south lift stations.
3. On Aril 6, 2010, the City reported a bypass occurred in the storm pond lagoon on March 16, 2010 and lasted through March 23, 2010 and approximately 1.174 million gallons (MG) of wastewater was discharged.
4. On July 8, 2010, the City reported a bypass occurred due to heavy rainfall the previous day. The bypass occurred at the location of the EQ basins.
5. On March 20, 2011, the City reported a bypass from the EQ basin. This bypass continued until April 1, 2011. The amount discharged was approximately 8.67 MG. On this same day the City also reported a bypass at the location of the south lift station. This bypass continued until March 26, 2011 and approximately 216,000 gallons were discharged. The location of this bypass was at the south lift station.
6. On May 6, 2011, the City reported a wastewater bypass from the north lift station. The bypass was caused by a power outage. Approximately 35,000 gallons of wastewater was discharged.
7. On August 27, 2011, the City reported a bypass from its wet well plant. The bypass was due to a power failure. Approximately 9,450 gallons of wastewater were discharged.

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8. On November 1, 2011, the Department sent the City a Notice of Violation (NOV) for violations of its NPDES permit. This NOV asked the City to submit a plan for eliminating all bypasses and to install backup alarms on the north and south lift station.
9. On November 28, 2011 the City's facility plan was approved.
10. On December 13, 2011, the Department sent the City a letter notifying it that the facility plan failed to address the capacity of the collection system.
11. On February 3, 2012, a project initiation meeting was held for the City's construction project. The Department noted that the proposed WWTF improvements will not address the bypasses which have been occurring. The City's engineer also expressed concern that the EQ basin expansion was not designed with the use of accurate flow data.
12. On February 24, 2012, the Department received a plan of action (POA) from the City dated February 22, 2012. This POA contained a schedule for evaluating and constructing improvements to reduce inflow and infiltration as well as increasing the size of the EQ basin. All work was to be completed by July 31, 2016.
13. On May 26, 2012, the City reported that a wastewater bypass occurred at the headworks of the WWTF following a 2.6 inch rain fall. The City estimated that 30,000 gallons of wastewater was discharged.
14. On October 16, 2012, the Department approved the City's plans and specifications for WWTF improvements and the Department issued Construction Permit S2011-0183.
15. On November 28, 2012, the City submitted a progress report to the Department. This report informed the Department that a smoke test had been done along with limited televising of the line to determine what areas needed to be repaired.
16. On April 12, 2013, the City notified the Department that a bypass occurred at the location of the EQ basin due to wet weather. This bypass would continue for approximately one month. It ended on May 15, 2013. The City estimated that 8.2 MG of wastewater was discharged.
17. On April 19, 2013, the City reported a bypass from the southeast lift station. This bypass ceased on April 22, 2013. The City estimated that 42,000 gallons of wastewater was discharged.
18. On May 20, 2013, the City reported a wastewater bypass from its EQ basin following a 1.8 inch rain event. The City estimated that 9.4566 MG of wastewater was discharged.
19. On May 30, 2013, the City reported a bypass from the southeast lift state. This bypass ceased on May 31, 2013. The City estimated that 75,600 gallons of wastewater was discharged.

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20. On June 22, 2013, the City reported that heavy rains caused a bypass at the headworks of the WWTF, the EQ basin and at the north and southeast lift stations. These bypasses continued until June 28, 2013 at the WWTF, EQ basin and the north lift station and until June 29, 2013, at the southeast lift station. The City estimated that 22.59 MG of wastewater was discharged.
21. On June 23, 2013, the City began pumping from a manhole at the intersection of East Walnut and South East St. due to a sewer main blockage. The blockage caused a basement backup at 502 South East St. The volume discharged to a water of the state was estimated to be 15,000 gallons.
22. On July 1, 2013, the City reported that approximately 765,000 gallons of wastewater was discharged from the EQ basin. This bypass ceased on July 7, 2013.
23. On October 16, 2013, the City's engineer requested a deadline extension for submission of the report regarding the study of the northeast and southeast service areas. This report was required to be submitted by the POA. The deadline requested was March 31, 2014.
24. On November 7, 2013, U.S. EPA sent the City a "Letter of Warning to the City." This letter informed the City that on August 20 through 23, 2013, it inspected the City's WWTF as authorized by Section 308 of the Clean Water Act. Pursuant to that inspection EPA discovered violations and that the City was required to address the sanitary sewer overflows from the collection system and the bypasses from the WWTF. The City was told to take all appropriate actions to come into compliance with its NPDES permit.
25. On January 10, 2014, the City issued a Request for Proposal (RFP) for infiltration and inflow sanitary sewer improvements.
26. On January 28, 2014, the Department received a letter from the City dated January 8, 2014, requesting an extension (from the dates established in the POA) to complete the television of the sewer lines.
27. On April 13, 2014, the City reported to the Department that heavy rain and snow resulted in a bypass from the north lift station and the headworks of the WWTF.
28. On April 14, 2014, the City reported to the Department that bypassing began at the southeast lift station. In total for the month of April approximately 8,503,600 gallons of wastewater was discharged.
29. On April 24, 2014, the City held a project initiation meeting. The City stated that it intended to comply with the final completion date of July 31, 2016.
30. On May 12, 2014, the City reported to the Department that it received 2 inches of rain in one hour and therefore, it began bypassing from the EQ basin and the north lift station.

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31. On May 13, 2014, the City reported that the southeast lift station began bypassing. In total during the month of May approximately 5,993,000 gallons of wastewater was discharged.
32. On July 2014, the City bypassed at the location of the EQ basin. During the month of July approximately 2,520,800 gallons of wastewater was discharged.
33. On January 12, 2015, the Department approved the City's Facility Plan. This Facility Plan was for Phase II of the project.

IV. CONCLUSIONS OF LAW

The Department and the City agree that the following conclusions of law are applicable in this case:

1. Pursuant to Iowa Code section 455B.186(1), a pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste pursuant to a permit issued by the director.
2. Pursuant to 567 IAC 63.6, bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited. Pursuant to 567 IAC 60.2, a bypass is the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line. The above stated facts demonstrate noncompliance with this provision.
3. Pursuant to 567 IAC 62.1(7) wastes in such volumes or quantities as to exceed the design capacity of the treatment works or reduce the effluent quality below that specified in the operation permit of the treatment works are considered to be a waste which interferes with the operation or performance of a publicly owned treatment works or a privately owned domestic sewage treatment works and are prohibited. The above stated facts demonstrate noncompliance with this provision.
4. Pursuant to 567 IAC 64.7(7)"P" the permittee shall maintain in good working order and operate as efficiently as possible any facilities or systems of treatment and control which have been installed or are used by the permittee to achieve compliance with the terms and conditions of the permit. The above stated facts demonstrate noncompliance with this provision.

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V. ORDER

By the execution of this Order, the Department orders and the City agrees to do the following:

1. By May 1, 2015, submit plans and specifications for Phase II of the Intended Use Plan (IUP) to the Department for approval;
2. By July 1, 2016, complete construction of Phase II of the IUP;
3. By August 1, 2016, submit a progress report to the Department; and
4. By October 1, 2017, submit flow data analysis to the Department.

VI. PENALTY

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5,000.00 per day of violation for the violations involved in this matter.

2. Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties at IAC Chapter 567 - 10. The Department has determined that a penalty is not appropriate at this time. The City will not realize any economic benefit because the compliance schedule has been determined to constitute the shortest reasonable time to achieve compliance. The Department finds no gravity or culpability basis for a penalty at this time.

VII. WAIVER OF APPEAL RIGHTS

This Order is entered into knowingly by and with the consent of the City. For that reason, it waives its right to appeal this Order or any part thereof.

VIII. NONCOMPLIANCE

Compliance with Section V of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. Failure to comply with this Order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191.

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Chuck Gipp
CHUCK GIPP, DIRECTOR
Iowa Department of Natural Resources

Dated this 23rd day of
March, 2015

Baurea Collins
City of Monona

Dated this 16th day of
March, 2015

NPDES #2264001; Field Office #1; Carrie Schoenebaum; EPA; Water Quality Bureau; I.C.1